

2013 DRAFTING REQUEST

Bill

Received:	9/4/2012	Received By:	mglass
Wanted:	As time permits	Same as LRB:	
For:	Administration-Budget 267 9546	By/Representing:	Lawrence
May Contact:		Drafter:	mglass
Subject:	Veterans - facilities	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**

Requester's email:

Carbon copy (CC) to:

Pre Topic:

DOA:.....Lawrence, BB0382 -

Topic:

Residency requirements for veterans homes and cemeteries

Instructions:

To loosen residency requirements for admission of veterans from other states, change 45.51 (2) (a)
 1. to say "from any state", changes also in 45.51 (2) (a) 3. and 45.51 (6)
 Plus see attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mglass 9/4/2012	scalvin 9/4/2012	phenry 9/5/2012	_____			
/P1	mglass 10/31/2012			_____	mbarman 9/5/2012		State
/P2	mglass 1/16/2013	scalvin 1/16/2013	rschluet 11/1/2012	_____	sbasford 11/1/2012		State S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	mglass 1/24/2013		rschluet 1/16/2013	_____	srose 1/16/2013		State S&L
/2		scalvin 1/24/2013	rschluet 1/24/2013	_____	srose 1/24/2013		State S&L

FE Sent For:

<END>

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/P1	mglass 10/31/2012				mbarman 9/5/2012		State
/P2	mglass 1/16/2013	scalvin 1/16/2013	rschluct 11/1/2012		sbasford 11/1/2012		State S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1			rschluet 1/16/2013	_____	srose 1/16/2013		State S&L

*12 sac
01/24/2013*

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: **9/4/2012** Received By: **mglass**
 Wanted: **As time permits** Same as LRB:
 For: **Veterans Affairs 266-1843** By/Representing: **Jim Parker**
 May Contact: Drafter: **mglass**
 Subject: **Veterans - facilities** Addl. Drafters:
 Extra Copies:

Submit via email: **YES**
 Requester's email: **James.Parker@dva.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Eligibility for veterans homes, residency, parents

Instructions:

To loosen residency requirements for admission of veterans from other states, change 45.51 (2) (a) 1. to say "from any state", changes also in 45.51 (2) (a) 3. and 45.51 (6)

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	mglass 9/4/2012	scalvin 9/4/2012	9/5/2012				
/P1	mglass 10/31/2012				mbarman 9/5/2012		State
/P2		scalvin 11/1/2012	11/1/2012		sbasford 11/1/2012		State S&L

11 sac
01/16/2013

1/6/13

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: 9/4/2012 Received By: mglass
Wanted: As time permits Companion to LRB:
For: Veterans Affairs 266-1843 By/Representing: Jim Parker
May Contact: Drafter: mglass
Subject: Veterans - facilities Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: James.Parker@dva.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given


Topic:

Eligibility for veterans homes, residency, parents

Instructions:

To loosen residency requirements for admission of veterans from other states, change 45.51 (2) (a) 1. to say "from any state", changes also in 45.51 (2) (a) 3. and 45.51 (6)

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mglass 9/4/2012	scalvin 9/4/2012	9/5/2012	_____			
/P1		1/2 suc 11/1/12	1/2 suc 11/1/12		mbarman 9/5/2012		State

FE Sent For:

<END>

2013 DRAFTING REQUEST**Bill**

Received: **9/4/2012** Received By: **mglass**
 Wanted: **As time permits** Companion to LRB:
 For: **Veterans Affairs 266-1843** By/Representing: **Jim Parker**
 May Contact: Drafter: **mglass**
 Subject: **Veterans - facilities** Addl. Drafters:
 Extra Copies:

Submit via email: **YES**
 Requester's email: **James.Parker@dva.wisconsin.gov**
 Carbon copy (CC) to: **Mary.Gibson-Glass@legis.wisconsin.gov**

remove
→ see attached

Pre Topic:

No specific pre topic given

Topic:

Eligibility for veterans homes, residency, parents

Instructions:

To loose residency requirements for admission of veterans from other states, change 45.51 (2) (a) 1. to say "from any state", changes also in 45.51 (2) (a) 3. and 45.51 (6)

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/?	mglass 9/4/2012	scalvin 9/4/2012	9/5/2012				
/P1					mbarman 9/5/2012		State

FE Sent For:

<END>

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For: Veterans Affairs 266-1843	By/Representing: Jim Parker
May Contact:	Drafter: mglass
Subject: Veterans - facilities	Addl. Drafters:
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Submit via email: **YES**
 Requester's email: **James.Parker@dva.wisconsin.gov**
 Carbon copy (CC) to: **Mary.Gibson-Glass@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Eligibility for veterans homes, residency, parents

Instructions:

To loose residency requirements for admission of veterans from other states, change 45.51 (2) (a) 1. to say "from any state", changes also in 45.51 (2) (a) 3. and 45.51 (6)

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mglass	/P/ sad 09/04/12					

FE Sent For:

<END>



State of Wisconsin
2011 - 2012 LEGISLATURE

D-Node 9/5



LRB-43797/P1
MGG:.....

sac

0009

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *Gen Cat* ...; **relating to:** eligibility for membership in veterans homes.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 **SECTION 1.** 45.02 (2) (intro.) of the statutes is amended to read:

3 45.02 (2) (intro.) Except as provided in sub. (3) and s. 45.51 (6m), to be eligible
4 for benefits under this chapter an applicant shall be a resident of and living in this
5 state at the time of making application or the veteran from whom the applicant
6 derives eligibility is deceased, and the veteran from whom eligibility is derived meets
7 one of the following conditions:

History: 2005 a. 22.

8 **SECTION 2.** 45.51 (2) (b) 1. of the statutes is repealed.

1 **SECTION 3.** 45.51 (5) (intro.) of the statutes is amended to read:

2 **45.51 (5) ADDITIONAL ELIGIBILITY REQUIREMENTS OF A SURVIVING SPOUSE.** (intro.)

3 The surviving spouse of a person under sub. (2) (a) 1. or 2. ~~who was a resident of this~~
4 ~~state at the time of the veteran's death~~ is eligible if the surviving spouse meets the
5 requirements of sub. (2) (b) 3. to 5. and if the surviving spouse satisfies all of the
6 following conditions:

7 History: 2005 a. 22, 25; 2007 a. 20; s. 13.92 (1) (bm) 2.

8 **SECTION 4.** 45.51 (5) (f) of the statutes is repealed.

9 **SECTION 5.** 45.51 (6) (intro.) of the statutes is amended to read:

10 **45.51 (6) ADDITIONAL ELIGIBILITY REQUIREMENTS OF PARENTS.** (intro.) The parent
11 of a person under sub. (2) (a) 1. or 2. ~~who was a resident of this state at the time of~~
12 ~~the person's death or, the parent of a living person under sub. (2) (a) 1. or 2. who is~~
13 ~~eligible for membership,~~ is eligible if the parent meets the requirements of sub. (2)
14 (b) 3. to 5. and if ~~the parent~~ satisfies all of the following conditions:

15 History: 2005 a. 22, 25; 2007 a. 20; s. 13.92 (1) (bm) 2.

16 **SECTION 6.** 45.51 (6) (b) of the statutes is repealed.

17 **SECTION 7.** 45.51 (6m) of the statutes is created to read:

18 **45.51 (6m)** In order to be eligible for benefits under this subchapter, a person
19 specified under sub. (2) (a) 1., 2., or 3. does not have to be a resident of this state on
20 the date of application for membership.

(END)

LPS: remove extra space

DNote

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4379/Adn

MGG:.....

Sec

- date -

This preliminary draft merges the first 2 items described in the proposed changes we received from Jim Peterson.

Please review the language carefully to ensure it achieves your intent.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0009/P1dn
MGG:sac:ph

September 5, 2012

This preliminary draft merges the first 2 items described in the proposed changes we received from Jim Peterson.

Please review the language carefully to ensure it achieves your intent.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Barman, Mike

From: Gibson-Glass, Mary
Sent: Friday, September 07, 2012 11:46 AM
To: LRB.Legal
Subject: RE: Draft review: LRB -0009/P1 Topic: Eligibility for veterans homes, residency, parents

I do not get email copies of my drafts.

Thanks

Mary

From: LRB.Legal
Sent: Wednesday, September 05, 2012 8:45 AM
To: Gibson-Glass, Mary
Subject: Draft review: LRB -0009/P1 Topic: Eligibility for veterans homes, residency, parents

Draft Requester: Veterans Affairs

Following is the PDF version of draft LRB -0009/P1 and drafter's note.

Gibson-Glass, Mary

From: Parker, James <James.Parker@dva.wisconsin.gov>
Sent: Thursday, October 25, 2012 1:25 PM
To: Gibson-Glass, Mary
Subject: RE: LRB 13-0009

no
drafting
needed?

Hi Mary – here is the response I received from the homes division.

Jim and Randy

My proposal would be to just re-write this subsection relating to **surviving spouses**, to mirror s.45.51 (4) (b), under eligibility for **spouses**. It would read:

"Was married to and living with the deceased person under sub. (2) (a) 1. or 2. not less than 6 months immediately prior to the death of the person. Separation from the spouse necessitated by reason of employment, hospitalization, or because of a physical or mental disability of either spouse shall not be taken to constitute an interruption of the 6-month period."

Any questions, feel free to contact me.

Joan M. Clark

Director of Admissions

Wisconsin Veterans Home-Union Grove

phone 262-878-6749

FAX 262-878-6778

Confidentiality Notice: This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

From: Gibson-Glass, Mary [<mailto:Mary.Gibson-Glass@legis.wisconsin.gov>]
Sent: Tuesday, October 23, 2012 2:10 PM
To: Parker, James
Subject: LRB 13-0009

Jim,

Re: LRB 13-0009, I am still waiting to hear what the answer was to my question as to how the following language in the statutes is interpreted by DVA.

45.51(4)(a) The person under sub. (2) (a) 1. or 2. is a member, or if not a member is institutionalized elsewhere because of physical or mental disability, and the spouse had lived with the person for not less than 6 months immediately before making application for membership.

As I said on the phone, it seemed to me that a wife, for example, would have to enter into a home within 6 months after her husband. Otherwise, the 6-month requirement for living together would not be met.

I need an answer to this to write the analysis.

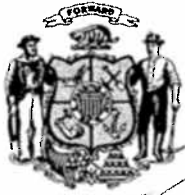
Mary

Mary Gibson-Glass

Senior Legislative Attorney

Legislative Reference Bureau

608 267 3215



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0009/PA
MGG:sac:ph

2 RWR

agency draft

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Am 11/01/12

VETERANS AND MILITARY AFFAIRS

to not gen

benefits and for

1 AN ACT ~~to~~ **repeal** 45.51 (2) (b) 1., 45.51 (5) (f) and 45.51 (6) (b); **to amend** 45.02
2 (2) (intro.), 45.51 (5) (intro.) and 45.51 (6) (intro.); and **to create** 45.51 (6m) of
3 the statutes; **relating to:** eligibility for membership in veterans homes.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

INSERT
ANL

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 45.02 (2) (intro.) of the statutes is amended to read:
5 45.02 (2) (intro.) Except as provided in sub. (3) and s. 45.51 (6m), to be eligible
6 for benefits under this chapter an applicant shall be a resident of and living in this
7 state at the time of making application or the veteran from whom the applicant
8 derives eligibility is deceased, and the veteran from whom eligibility is derived meets
9 one of the following conditions:

1 SECTION 2. 45.51 (2) (b) 1. of the statutes is repealed.

2 SECTION 3. 45.51 (5) (intro.) of the statutes is amended to read:

3 45.51 (5) ADDITIONAL ELIGIBILITY REQUIREMENTS OF A SURVIVING SPOUSE. (intro.)

4 The surviving spouse of a person under sub. (2) (a) 1. or 2. ~~who was a resident of this~~
 5 ~~state at the time of the veteran's death~~ is eligible if the surviving spouse meets the
 6 requirements of sub. (2) (b) 3. to 5. and if the surviving spouse satisfies all of the
 7 following conditions:

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 11 of a person under sub. (2) (a) 1. or 2. ~~who was a resident of this state at the time of~~
 12 ~~the person's death or, the parent of a living person under sub. (2) (a) 1. or 2. who is~~
 13 eligible for membership, is eligible if the parent meets the requirements of sub. (2)
 14 (b) 3. to 5. and if the parent satisfies all of the following conditions:

15 SECTION 6. 45.51 (6) (b) of the statutes is repealed.

16 SECTION 7. 45.51 (6m) of the statutes is created to read:

17 45.51 (6m) ^{RESIDENCY. ← CS} In order to be eligible for benefits under this subchapter, a person
 18 specified under sub. (2) (a) 1., 2., or 3. does not have to be a resident of this state on
 19 the date of application for membership.

20 (END) and 45.51 (2) (b) 1.,

SECTION 9349, Initial Applicability, Veterans Affairs.

(1) MEMBERSHIP IN VETERANS HOMES. The treatment
 of section 45.02 (2) (intro.) ~~(b) (1) (intro.)~~ (5) (intro.) and (f),
 (6) (intro.) and (b), and (6m), first apply to applications
 that are received by a veterans home on the effective
 date of this subsection.
 of the statutes

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0009/P2ins
MGG:.....

1

Insert ANL

Current law imposes certain state residency requirements that apply to veterans and widows, widowers, and parents of living and deceased veterans who are seeking admission to veterans homes operated by the state. Under current law, a veteran applying to enter a veterans home operated by the state must be a state resident at the time of admission. Current law does not specify any state residency requirement for a spouse of a veteran who is seeking admission. His or her spouse may also be admitted if he or she has been living with veteran for not less than six months before the veteran applies for admission. Separation due to employment, illness, or other factors are not considered to be an interruption of the 6th month period. A widow, widower, or a parent of a veteran is eligible if he or she is has been a state resident for the 12 months preceding his or her application for admission. This bill eliminates all of these residency requirements.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

7

Gibson-Glass, Mary

From: Hanaman, Cathlene
Sent: Tuesday, January 15, 2013 10:36 AM
To: Gibson-Glass, Mary; Gallagher, Michael
Subject: FW: Statutory Language Drafting Request - BB0383

From: jeffrey.lawrence@wisconsin.gov [mailto:jeffrey.lawrence@wisconsin.gov]
Sent: Tuesday, January 15, 2013 10:31 AM
To: Hanaman, Cathlene
Cc: Gauger, Michelle C - DOA; Lawrence, Jeffrey R - DOA; Thornton, Scott - DOA
Subject: Statutory Language Drafting Request - BB0383

Biennial Budget: 2013-15

DOA Tracking Code: BB0383 *merged into 0382*

Topic: Loosening Residency Requirements

SBO Team: HSI

SBO Analyst: Lawrence, Jeff - DOA
Phone: (608) 267-9546
E-mail: jeffrey.lawrence@wisconsin.gov

Agency Acronym: DVA

Agency Number: 485

Priority: High

Intent:

Include this for consideration in the budget bill. Draft originally sent from Department of Veterans Affairs, LRB Draft LRB-0009/P1.

Change 45.51 (2) 1, 45.51 (2) 3 and 45.51 (6).

To loosen residency requirements for the admission of Veterans from other states', we would need to change 45.51 (2) 1. from "Veteran" to "Veteran from any State" and change 45.51 (2) 3. to "A spouse, surviving spouse, or eligible parent under subd. 1. or 2. and 45.51 (6).

Attachments: False

Please send completed drafts to statlanguage@wisapps.wi.gov

Gibson-Glass, Mary

From: Hanaman, Cathlene
Sent: Tuesday, January 15, 2013 10:36 AM
To: Gibson-Glass, Mary; Gallagher, Michael
Subject: FW: Statutory Language Drafting Request - BB0382

From: jeffrey.lawrence@wisconsin.gov [<mailto:jeffrey.lawrence@wisconsin.gov>]
Sent: Tuesday, January 15, 2013 10:26 AM
To: Hanaman, Cathlene
Cc: Gauger, Michelle C - DOA; Lawrence, Jeffrey R - DOA; Thornton, Scott - DOA
Subject: Statutory Language Drafting Request - BB0382

Biennial Budget: 2013-15

DOA Tracking Code: BB0382

Topic: Nursing Home Admission of Non-Veterans

SBO Team: HSI

SBO Analyst: Lawrence, Jeff - DOA
Phone: (608) 267-9546
E-mail: jeffrey.lawrence@wisconsin.gov

Agency Acronym: DVA

Agency Number: 485

Priority: High

Intent:

Include for consideration in budget bill. Originally submitted by Department of Veterans Affairs, LRB draft LRB-009/P1.

Amend 45.51 (6) to reflect intent of 38 CFR 51.210 (d)

Per 38 CFR 51.210 (d) states, "VA pays per diem to a State for providing nursing home care to eligible veterans in a State home if, among other things, all non-veteran residents of the home are spouses of veterans or parents any of whose children died while serving in the Armed Forces." We would need to continue to make sure we don't admit any non-veterans, who do not fall into these categories, or it appears we could risk losing our Federal VA per diem. As related to the above, we need to change 45.51 (6) "parent of a living person" to "parent of child who died while serving in the U.S. Armed Forces" in order to have Wisconsin Statute Chapter 45 reflect the intent of the CFR 51.210 (d).

Attachments: False

Please send completed drafts to statlanguage@wisapps.wi.gov

Gibson-Glass, Mary

From: Hanaman, Cathlene
Sent: Tuesday, January 15, 2013 11:25 AM
To: Gallagher, Michael; Gibson-Glass, Mary
Subject: FW: Statutory Language Drafting Request - BB0390

From: jeffrey.lawrence@wisconsin.gov [<mailto:jeffrey.lawrence@wisconsin.gov>]
Sent: Tuesday, January 15, 2013 10:56 AM
To: Hanaman, Cathlene
Cc: Gauger, Michelle C - DOA; Lawrence, Jeffrey R - DOA; Thornton, Scott - DOA
Subject: Statutory Language Drafting Request - BB0390

Biennial Budget: 2013-15

DOA Tracking Code: BB0390 *into BB0382*

Topic: Residency Requirements for Services at Northern Wisconsin Veterans Memorial Cemetery, Central Wisconsin Veterans Military Cemetery and Southern Wisconsin Veterans Military Cemetery

SBO Team: HSI

SBO Analyst: Lawrence, Jeff - DOA
Phone: (608) 267-9546
E-mail: jeffrey.lawrence@wisconsin.gov

Agency Acronym: DVA

Agency Number: 485

Priority: High

Intent:

Include this for consideration in budget bill.

Expand cemetery and military funeral honors services to out-of-state members residing in the Veterans nursing homes. If there is a waiting list, Wisconsin residents have priority for admission over non-residents. *waiting list for each cemetery*

Attachments: False

Please send completed drafts to statlanguage@wisapps.wi.gov

Gibson-Glass, Mary

From: Gibson-Glass, Mary
Sent: Wednesday, January 16, 2013 9:57 AM
To: Lawrence, Jeffrey R - DOA
Subject: RE: Statutory Language Drafting Request - BB0390, plus BB0382 and BB0383

Jeff,

There are two BB numbers for LRB -0009, BB0382 and BB0382. I am going to merge those two, which allow nonresidents in veterans homes, and am also including the cemetery one, BB 0390, into LRB-009. I am including BB 0390 because for nonresidents to be eligible to be buried in a veterans cemetery, nonresidents have to be eligible for veterans homes., So the end result will be one LRB # 0009, and one BB #: 0382

Thanks,

Mary

From: Lawrence, Jeffrey R - DOA [<mailto:Jeffrey.Lawrence@wisconsin.gov>]
Sent: Wednesday, January 16, 2013 8:21 AM
To: Gibson-Glass, Mary
Subject: RE: Statutory Language Drafting Request - BB0390

The waiting list is for the cemetery. So basically, if there is a waiting list to get into the cemetery, state residents would have priority over those living in the nursing home who are residents of another state. They want to open up eligibility for cemetery and military funeral honors services to anyone residing in a Wisconsin Veterans home, regardless of state of residence while making sure that Wisconsin residents have priority in case the cemetery has a waiting list. Sorry for the confusion, it is tricky even after reading a few times. Please let me know if you need anything else.

From: Gibson-Glass, Mary [<mailto:Mary.Gibson-Glass@legis.wisconsin.gov>]
Sent: Tuesday, January 15, 2013 4:49 PM
To: Lawrence, Jeffrey R - DOA
Subject: FW: Statutory Language Drafting Request - BB0390

Jeff,

Is the waiting list in order to get into a cemetery or into a veteran's home?

Mary
267 3215
mary.glass@legis.wisconsin.gov

From: Hanaman, Cathlene
Sent: Tuesday, January 15, 2013 11:25 AM
To: Gallagher, Michael; Gibson-Glass, Mary
Subject: FW: Statutory Language Drafting Request - BB0390

From: jeffrey.lawrence@wisconsin.gov [<mailto:jeffrey.lawrence@wisconsin.gov>]
Sent: Tuesday, January 15, 2013 10:56 AM

To: Hanaman, Cathlene
Cc: Gauger, Michelle C - DOA; Lawrence, Jeffrey R - DOA; Thornton, Scott - DOA
Subject: Statutory Language Drafting Request - BB0390

Biennial Budget: 2013-15

DOA Tracking Code: BB0390

Topic: Residency Requirements for Services at Northern Wisconsin Veterans Memorial Cemetery, Central Wisconsin Veterans Military Cemetery and Southern Wisconsin Veterans Military Cemetery

SBO Team: HSI

SBO Analyst: Lawrence, Jeff - DOA
Phone: (608) 267-9546
E-mail: jeffrey.lawrence@wisconsin.gov

Agency Acronym: DVA

Agency Number: 485

Priority: High

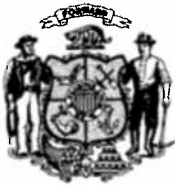
Intent:

Include this for consideration in budget bill.

Expand cemetery and military funeral honors services to out-of-state members residing in the Veterans nursing homes. If there is a waiting list, Wisconsin residents have priority for admission over non-residents.

Attachments: False

Please send completed drafts to statlanguage@wisapps.wi.gov



State of Wisconsin
2013 - 2014 LEGISLATURE

OOA
budget
draft

DN



RMR
RMR

LRB-0009/P2

MGG:sac:s

Stays

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Lawrence, B B 03 82

1

AN ACT ...; relating to: eligibility for membership in veterans homes.

Analysis by the Legislative Reference Bureau

VETERANS

Current law imposes certain state residency requirements that apply to veterans and widows, widowers, and parents of living and deceased veterans who are seeking admission to veterans homes operated by the state. Under current law, a veteran applying to enter a veterans home operated by the state must be a state resident at the time of admission. Current law does not specify any state residency requirement for a spouse of a veteran who is seeking admission. A widow, widower, or a parent of a veteran is eligible if he or she is has been a state resident for the 12 months preceding his or her application for admission. This bill eliminates all of these residency requirements.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2

SECTION 1. 45.02 (2) (intro.) of the statutes is amended to read:

3

45.02 (2) (intro.) Except as provided in sub. (3) and s. 45.51 (6m), to be eligible

4

for benefits under this chapter an applicant shall be a resident of and living in this

the budget.

do not give

INSERT
ANL

1 state at the time of making application or the veteran from whom the applicant
2 derives eligibility is deceased, and the veteran from whom eligibility is derived meets
3 one of the following conditions:

4 **SECTION 2.** 45.51 (2) (b) 1. of the statutes is repealed.

5 **SECTION 3.** 45.51 (5) (intro.) of the statutes is amended to read:

6 45.51 (5) ADDITIONAL ELIGIBILITY REQUIREMENTS OF A SURVIVING SPOUSE. (intro.)

7 The surviving spouse of a person under sub. (2) (a) 1. or 2. ~~who was a resident of this~~
8 ~~state at the time of the veteran's death~~ is eligible if the surviving spouse meets the
9 requirements of sub. (2) (b) 3. to 5. and if the surviving spouse satisfies all of the
10 following conditions: *or the parent of a child who died while in service*

11 **SECTION 4.** 45.51 (5) (f) of the statutes is repealed.

12 **SECTION 5.** 45.51 (6) (intro.) of the statutes is amended to read: *surviving*

13 45.51 (6) ADDITIONAL ELIGIBILITY REQUIREMENTS OF PARENTS. (intro.) The parent
14 of a person under sub. (2) (a) 1. or 2. ~~who was a resident of this state at the time of~~
15 ~~the person's death~~ *or, the parent of a living person under sub. (2) (a) 1. or 2. who is*
16 ~~eligible for membership~~, is eligible if the parent meets the requirements of sub. (2)
17 (b) 3. to 5. and if the parent satisfies all of the following conditions:

18 **SECTION 6.** 45.51 (6) (b) of the statutes is repealed. *← INSERT 2-17*

19 **SECTION 7.** 45.51 (6m) of the statutes is created to read:

20 45.51 (6m) RESIDENCY. In order to be eligible for benefits under this subchapter,
21 a person specified under sub. (2) (a) 1., 2., or 3. does not have to be a resident of this
22 state on the date of application for membership. *← INSERT 2-22*

23 **SECTION 9349. Initial applicability; Veterans Affairs.**

24 (1) MEMBERSHIP IN VETERANS HOMES. The treatment of section 45.02 (2) (intro.),
25 and 45.51 (2) (b) 1., (5) (intro.) and (f), (6) (intro.) and (b), and (6m) of the statutes first

1 apply to applications that are received by a veterans home on the effective date of this
2 subsection.

3 (END)

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0009/lins
MGG:.....

Insert ANL

* ¶ Current law also imposes certain state residency requirements for being buried in a state veterans cemetery. A person who dies while on active duty in the U.S. armed forces is eligible for burial in a state veterans cemetery if he or she was a state resident at the time he or she entered service (eligible service member). Aⁿ honorably-discharged veteran is eligible if he or she was a resident of the state at the time he or she entered the service or at the time of his or her death (eligible veteran). With a limited exception, a spouse or dependent child of an eligible service member or eligible veteran may also be buried in a state veterans cemetery, regardless of state residency.

This bill expands eligibility for burial in a state veterans cemetery to include anyone who is a resident of a state veterans home. The bill also requires DVA to maintain a waiting list for each cemetery and to give priority to state residents over nonresidents.

Insert 2-22

* **SECTION 1.** 45.61 (2) (e) of the statutes is created to read:

45.61 (2) (e) A person who is a member of a veterans home under s. 45.50.

SECTION 2. 45.61 (4) of the statutes is renumbered 45.61 (4) (a).

SECTION 3. 45.61 (4) (b) of the statutes is created to read:

* 45.61 (4) (b) In processing application^s for burial plots, the department shall maintain a waiting list for each of the cemeteries operated under sub. (1) and shall give priority to state residents on each waiting list.

(intro.)

Section #. 45.51 (6) of the statutes is amended to read:

or the parent of a person who died while in the service

(intro.)

45.51 (6) ADDITIONAL ELIGIBILITY REQUIREMENTS OF PARENTS. The parent of a person under sub. (2) (a) 1. or 2. ~~who was a resident of this state at the time of the person's death or, the parent of a living person under sub. (2) (a) 1. or 2. who is eligible for membership,~~ is eligible if the parent meets the requirements of sub. (2) (b) 3. to 5. and if the parent satisfies all of the following conditions:

- (a) Has reached 60 years of age.
- (b) Has been a resident of this state for the 12 months preceding the date of application for membership.
- (c) Is physically disabled, unable adequately to care for himself or herself, and lacks adequate means of support.

History: 2005 a. 22, 25; 2007 a. 20; s. 13.92 (1) (bm) 2; s. 35.17 correction in (2) (b) 5., (6) (b).

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0009/1dn

MGG:...)...

Sac

- date -

the provisions ^{affecting the} ~~regarding~~ residency requirements

- 1. Please review ~~this draft~~ ^{achieves} very carefully to make sure it achieves your intent.
2. I could find no residency requirements for military funeral honors in the statutes or the administrative code. Therefore, I did not draft anything relating to military honors.

MGG

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0009/1dn
MGG:sac:rs

January 16, 2013

1. Please review the provisions affecting the residency requirements very carefully to make sure it achieves your intent.
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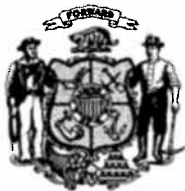
Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Gibson-Glass, Mary

From: Lawrence, Jeffrey R - DOA <Jeffrey.Lawrence@wisconsin.gov>
Sent: Wednesday, January 23, 2013 1:20 PM
To: Gibson-Glass, Mary
Subject: Amendment to LRB-0009/1 Residency for Veterans Homes

Hi Mary,

We have an amendment for the homes/residency draft. We want to make sure that if there is a waiting list for admission to one of the state veterans homes, applicants who meet all of the other eligibility criteria and have been residents of the state for at least 12 months prior to the date of application will have priority over applicants who meet all of the other eligibility criteria but who have not been Wisconsin residents for at least 12 months prior to the date of application. Thank you, please let me know if you have any questions.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0009/v

MGG:sac:re

2 RMR

DOA:.....Lawrence, BB0382 - Residency requirements for veterans homes and cemeteries

FOR 2013-2015 BUDGET - NOT READY FOR INTRODUCTION

1 AN ACT ^{do not gen} relating to the budget; ^{but gives priority to residents ~~over~~ over nonresidents}

INSERT AM-2

4

INSERT AM-1

Analysis by the Legislative Reference Bureau

VETERANS

Current law imposes certain state residency requirements that apply to veterans and widows, widowers, and parents of living and deceased veterans who are seeking admission to veterans homes operated by the state. Under current law, a veteran applying to enter a veterans home operated by the state must be a state resident at the time of admission. Current law does not specify any state residency requirement for a spouse of a veteran who is seeking admission. A widow, widower, or a parent of a veteran is eligible if he or she is has been a state resident for the 12 months preceding his or her application for admission. This bill eliminates all of these residency requirements.

Current law also imposes certain state residency requirements for being buried in a state veterans cemetery. A person who dies while on active duty in the U.S. armed forces is eligible for burial in a state veterans cemetery if he or she was a state resident at the time he or she entered service (eligible service member). An honorably-discharged veteran is eligible if he or she was a resident of the state at the time he or she entered the service or at the time of his or her death (eligible veteran). With a limited exception, a spouse or dependent child of an eligible service member or eligible veteran may also be buried in a state veterans cemetery, regardless of state residency.

This bill expands eligibility for burial in a state veterans cemetery to include anyone who is a resident of a state veterans home. The bill also requires DVA to maintain a waiting list for each cemetery and to give priority to state residents over nonresidents.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 45.02 (2) (intro.) of the statutes is amended to read:

2 45.02 (2) (intro.) Except as provided in sub. (3) and s. 45.51 (6m), to be eligible
3 for benefits under this chapter an applicant shall be a resident of and living in this
4 state at the time of making application or the veteran from whom the applicant
5 derives eligibility is deceased, and the veteran from whom eligibility is derived meets
6 one of the following conditions:

7 **SECTION 2.** 45.51 (2) (b) 1. of the statutes is repealed.

← INSERT 2-7

8 **SECTION 3.** 45.51 (5) (intro.) of the statutes is amended to read:

9 45.51 (5) ADDITIONAL ELIGIBILITY REQUIREMENTS OF A SURVIVING SPOUSE. (intro.)
10 The surviving spouse of a person under sub. (2) (a) 1. or 2. ~~who was a resident of this~~
11 ~~state at the time of the veteran's death~~ is eligible if the surviving spouse meets the
12 requirements of sub. (2) (b) 3. to 5. and if the surviving spouse satisfies all of the
13 following conditions:

14 **SECTION 4.** 45.51 (5) (f) of the statutes is repealed.

15 **SECTION 5.** 45.51 (6) (intro.) of the statutes is amended to read:

16 45.51 (6) ADDITIONAL ELIGIBILITY REQUIREMENTS OF PARENTS. (intro.) The parent
17 of a person under sub. (2) (a) 1. or 2. ~~who was a resident of this state at the time of~~
18 ~~the person's death or, the parent of a living person under sub. (2) (a) 1. or 2. who is~~
19 ~~eligible for membership,~~ or the parent of a person who died while in the service is

1 eligible if the parent meets the requirements of sub. (2) (b) 3. to 5. and if the parent
2 satisfies all of the following conditions:

3 **SECTION 6.** 45.51 (6) (b) of the statutes is repealed.

4 **SECTION 7.** 45.51 (6m) of the statutes is created to read:

5 45.51 (6m) RESIDENCY. In order to be eligible for benefits under this subchapter,
6 a person specified under sub. (2) (a) 1., 2., or 3. does not have to be a resident of this
7 state on the date of application for membership.

8 **SECTION 8.** 45.61 (2) (f) of the statutes is created to read:

9 45.61 (2) (f) A person who is a member of a veterans home under s. 45.50.

10 **SECTION 9.** 45.61 (4) of the statutes is renumbered 45.61 (4) (a).

11 **SECTION 10.** 45.61 (4) (b) of the statutes is created to read:

12 45.61 (4) (b) In processing applications for burial plots, the department shall
13 maintain a waiting list for each of the cemeteries operated under sub. (1) and shall
14 give priority to state residents on each waiting list.

15 **SECTION 9349. Initial applicability; Veterans Affairs.**

16 (1) MEMBERSHIP IN VETERANS HOMES. The treatment of section 45.02 (2) (intro.),
17 and 45.51 (2) (b) 1., (5) (intro.) and (f), (6) (intro.) and (b), and (6m) of the statutes first
18 apply to applications that are received by a veterans home on the effective date of this
19 subsection.

20 (END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0009/2ins
MGG:.....

1 *not* **Insert ANL -1**

2 Also, under current law, DVA administers a priority system for admissions into
3 a veteran home. Under the system, veterans have first priority, spouses have second
4 priority, surviving spouses have third priority, and parents of veterans have fourth
5 priority.

6 **Insert ANL-2**

7 *not* The bill establishes a priority system within each of the four priority levels
8 described above. Under the system, state residents who have resided in the state for
9 more than 6 continuous months before the date of application have first priority,
10 other state residents have second priority, and nonresidents have third priority.

11 **INSERT 2-7** ^x

11 **SECTION 1.** 45.51 (3) (c) 1. (intro.) of the statutes is amended to read:

12 45.51 (3) (c) 1. (intro.) The categories for the order of priority for admission to
13 a veterans home shall be as follows:

14 History: 2005 a. 22, 25; 2007 a. 20; s. 13.92 (1) (bm) 2; s. 35.17 correction in (2) (b) 5., (6) (b).

14 **SECTION 2.** 45.51 (3) (c) 1m. of the statutes is created to read:

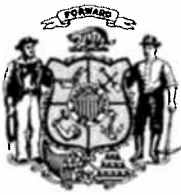
15 45.51 (3) (c) 1m. Within each category specified in subd. 1., the following order
16 of priority shall apply:

17 a. A person who is a resident of the state on the date of application for
18 membership in a veterans home and who has been residing continuously in the state
19 for a period of more than 6 months immediately preceding the date of application for
20 membership has first priority for admission.

21 b. A person who is a resident of the state on the date of date of application for
22 membership in a veterans home and who has been residing continuously in the state

1 for a period of 6 months or less immediately preceding the date of application for
2 membership has 2nd priority for admission.

3 c. A person who is not a resident of the state on the date of application for
4 membership in a veterans home has 3rd priority for admission.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0009/2

MGG:sac:rs

DOA:.....Lawrence, BB0382 – Residency requirements for veterans homes
and cemeteries

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

VETERANS

Current law imposes certain state residency requirements that apply to veterans and widows, widowers, and parents of living and deceased veterans who are seeking admission to veterans homes operated by the state. Also, under current law, DVA administers a priority system for admissions into a veteran home. Under the system, veterans have first priority, spouses have second priority, surviving spouses have third priority, and parents of veterans have fourth priority.

Under current law, a veteran applying to enter a veterans home operated by the state must be a state resident at the time of admission. Current law does not specify any state residency requirement for a spouse of a veteran who is seeking admission. A widow, widower, or a parent of a veteran is eligible if he or she is has been a state resident for the 12 months preceding his or her application for admission.

This bill eliminates all of these residency requirements, but gives priority to residents over nonresidents. The bill establishes a priority system within each of the four priority levels described above. Under the system, state residents who have resided in the state for more than 6 continuous months before the date of application have first priority, other state residents have second priority, and nonresidents have third priority.

Current law also imposes certain state residency requirements for being buried in a state veterans cemetery. A person who dies while on active duty in the U.S.

armed forces is eligible for burial in a state veterans cemetery if he or she was a state resident at the time he or she entered service (eligible service member). An honorably-discharged veteran is eligible if he or she was a resident of the state at the time he or she entered the service or at the time of his or her death (eligible veteran). With a limited exception, a spouse or dependent child of an eligible service member or eligible veteran may also be buried in a state veterans cemetery, regardless of state residency.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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3 for benefits under this chapter an applicant shall be a resident of and living in this
4 state at the time of making application or the veteran from whom the applicant
5 derives eligibility is deceased, and the veteran from whom eligibility is derived meets
6 one of the following conditions:

7 **SECTION 2.** 45.51 (2) (b) 1. of the statutes is repealed.

8 **SECTION 3.** 45.51 (3) (c) 1. (intro.) of the statutes is amended to read:

9 45.51 (3) (c) 1. (intro.) The categories for the order of priority for admission to
10 a veterans home shall be as follows:

11 **SECTION 4.** 45.51 (3) (c) 1m. of the statutes is created to read:

12 45.51 (3) (c) 1m. Within each category specified in subd. 1., the following order
13 of priority shall apply:

14 a. A person who is a resident of the state on the date of application for
15 membership in a veterans home and who has been residing continuously in the state

1 for a period of more than 6 months immediately preceding the date of application for
2 membership has first priority for admission.

3 b. A person who is a resident of the state on the date of application for
4 membership in a veterans home and who has been residing continuously in the state
5 for a period of 6 months or less immediately preceding the date of application for
6 membership has 2nd priority for admission.

7 c. A person who is not a resident of the state on the date of application for
8 membership in a veterans home has 3rd priority for admission.

9 **SECTION 5.** 45.51 (5) (intro.) of the statutes is amended to read:

10 45.51 (5) ADDITIONAL ELIGIBILITY REQUIREMENTS OF A SURVIVING SPOUSE. (intro.)
11 The surviving spouse of a person under sub. (2) (a) 1. or 2. ~~who was a resident of this~~
12 ~~state at the time of the veteran's death~~ is eligible if the surviving spouse meets the
13 requirements of sub. (2) (b) 3. to 5. and if the surviving spouse satisfies all of the
14 following conditions:

15 **SECTION 6.** 45.51 (5) (f) of the statutes is repealed.

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19 ~~the person's death or, the parent of a living person under sub. (2) (a) 1. or 2. who is~~
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45.51 (6m) RESIDENCY. In order to be eligible for benefits under this subchapter, a person specified under sub. (2) (a) 1., 2., or 3. does not have to be a resident of this state on the date of application for membership.

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45.61 (2) (f) A person who is a member of a veterans home under s. 45.50.

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45.61 (4) (b) In processing applications for burial plots, the department shall maintain a waiting list for each of the cemeteries operated under sub. (1) and shall give priority to state residents on each waiting list.

SECTION 9349. Initial applicability; Veterans Affairs.

(1) **MEMBERSHIP IN VETERANS HOMES.** The treatment of sections 45.02 (2) (intro.), and 45.51 (2) (b) 1., (5) (intro.) and (f), (6) (intro.) and (b), and (6m) of the statutes first applies to applications that are received by a veterans home on the effective date of this subsection.

(END)